

CONNECTICUT BOARD OF VETERINARY MEDICINE

In re: Milad Lawendy, D.V.M.  
License No. 1258

MEMORANDUM OF DECISION

The Connecticut Board of Veterinary Medicine was presented with a Statement of Charges by the Department of Health Services, dated December 7, 1986, brought against Milad Lawendy D.V.M. (Respondent). The Statement of Charges alleged, in one count, violations of Conn. Gen. Stat. § 20-202(2), (8) and (9).

A Notice of hearing, dated January 29, 1987, was issued to Milad Lawendy, D.V.M. Attached to the Notice was a copy of the Department's Statement of Charges. A hearing was scheduled for April 29, 1987. Attorney for the Respondent was Mario P. Musilli, Esq. At the hearing Respondent had the opportunity to present evidence and cross-examine witnesses.

Prior to the initiation of the instant charges, the Respondent was given the opportunity to show compliance with all lawful requirements for the retention of his license pursuant to Conn. Gen. Stat. § 4-182(c).

Findings of Fact

1. Respondent Milad Lawendy, D.V.M., is the holder of Connecticut Veterinary License Number 1258, and he held that license at all times referenced in the complaint.

2. The Respondent provided veterinary care to one "Boomer," a dog owned by Pat Griadek, between approximately June 17, 1986 and June 24, 1986.
3. On June 17, 1986 Ms. Griadek brought her dog in to Respondent at Bridgeport Veterinary Hospital, 161 North Avenue, Bridgeport, Connecticut, for the purpose of castration.
4. On June 18, 1986 Ms. Griadek's dog "Boomer" was released from the Bridgeport Veterinary Hospital.
5. "Boomer" pulled out two of four stitches and re-entered Bridgeport Veterinary Hospital on June 19, 1986.
6. On June 20, 1986 "Boomer" was released once again from the hospital. Later that day "Boomer" was readmitted.
7. "Boomer" stayed at Bridgeport Veterinary Clinic continuously from the eve of June 20, 1986 until June 23, 1986.
8. On June 23, 1986, "Boomer" was picked up from the hospital.
9. During the four days "Boomer" was at the Bridgeport Hospital severe omissions were made in his care.
10. No records were kept of "Boomer's" day to day condition.
11. Respondent failed to do a chemical profile when "Boomer's" condition was worsening.

12. Respondent did not do a white blood count.

13. Respondent failed to put "Boomer" on I.V. therapy therefore failing to provide him with the proper supportive fluids.

14. Respondent failed to take a culture and did not switch antibiotics when the infection was not improving.

15. Respondent failed to keep the owner apprised of the dog's condition, and was not aggressive enough in his treatment and ultimately let "Boomer's" condition deteriorate to a critical level.

16. On June 24, 1986, "Boomer" was brought to another veterinary hospital in a comatose state and in septic shock.

17. Respondent failed to provide adequate post-operative care to "Boomer."

18. Respondent was incompetent, unskillful or grossly negligent in his care of "Boomer."

#### Discussion and Conclusions

19. It is the opinion of the Board that sections 3(a), 3(b), 3(d) and 3(e) of the Statement of Charges should be dismissed. The Board finds insufficient evidence to show that respondent failed to take a medical history on "Boomer" to adequately diagnose the problem presented. In addition, the

record does not indicate that respondent performed a castration operation on "Boomer" in an unskillful or grossly negligent manner, or that he had unlicensed persons performing functions reserved exclusively for licensed veterinarians. There is also no evidence that respondent failed to keep his veterinary premises and equipment in a clean and sanitary condition.

20. In dismissing parts 3(d) and 3(e) of the Statement of Charges the Board concludes that the evidence did not show that respondent knowingly had professional association with, or knowingly employed any person who is unlawfully practicing veterinary medicine, and did not fail to keep his veterinary premises and equipment in a clean and sanitary condition. Therefore, respondent did not violate Conn. Gen. Stat. §§ 20-202(8) and (9), and parts 4(b) and (c) of the Statement of Charges are dismissed.

21. Respondent was also charged with having violated Conn. Gen. Stat. § 20-202(2). That statute states, in pertinent part:

After notice and opportunity for hearing as provided in the regulations established by the commissioner of health services, said board may take any of the actions set forth in 19a-17 for any of the following causes: ... (2) proof that the holder of such license or certificate has become unfit or incompetent or has been guilty of cruelty, unskillfulness or gross negligence towards animals and birds.

22. Although there was conflicting evidence as to the exact dates of respondent's treatment of "Boomer", the Board concludes that "Boomer" stayed at the Bridgeport Veterinary Hospital for four continuous days in June of 1986. The Board finds respondent guilty of violating 20-202(2) in his failure to provide adequate post-operative care to "Boomer" during these four days.

23. As a licensed veterinarian Respondent should have been more aggressive in his treatment of "Boomer", and should have adopted a more caring attitude. There was a severe lack of supportive treatment, and a failure to provide adequate lab and diagnostic work. Any veterinarian treating a dog in "Boomer's" condition at a minimum should have completed a chemical profile in order to properly diagnose the problem presented. There was no evidence of a white blood count, a culture, or other diagnostic laboratory work. Respondent's failure to provide adequate post-operative care to "Boomer" resulted in the dog's lapse into a state of septic shock. Septic shock is very rare in a common procedure such as castration, and respondent has provided no records indicating adequate post-operative care. In addition, respondent did not properly communicate problems with "Boomer's" owner, and let the dog's condition deteriorate to critical.

24. The Board, after reviewing all the evidence, find that Respondent violated Conn. Gen. Stat. § 20-202(2). In failing to provide adequate post-operative care to "Boomer" respondent is guilty of cruelty, unskillfulness or gross negligence.

25. In reviewing the record, the Board takes notice of the fact that Respondent has previously been found guilty of violating Section 20-202(2) on at least two separate occasions. These findings were both made after full hearings before the Board of Veterinary Medicine. The Board's finding of a violation of § 20-202(2) in the present case is based solely on the record from the hearing on April 29, 1987.

In formulating its Disciplinary action the Board carefully considered Respondent's history as a veterinarian in the State of Connecticut. Respondent has now been found to have violated § 20-202(2) on three occasions. After considering respondent's previous record and his inadequate post-operative care in this case, the Board must take action to ensure proper veterinary care and the protection of public health in the State of Connecticut. Nevertheless, the Board in its order has outlined a method in which Dr. Lawendy can satisfy them that he can practice with reasonable skill and safety as a veterinarian in the State of Connecticut, and will consider his application for a license upon completion of the guidelines stipulated.

The Board members who have participated in the final decision of this case have either read the record or heard the case.

ORDER

Pursuant to its authority under § 19a-17 of the Connecticut General Statutes, the Board of Veterinary Registration and Examination hereby orders the following:

1. That the Respondent's license to practice veterinary medicine be ~~revoked~~ effective thirty (30) days from the date of the mailing of this decision to the Respondent, which date is noted below; and

2. That Respondent may apply for a license pursuant to 19a-17(d) after completion of the Intensive Post-Graduate Course in Clinical Veterinary Medicine at the Animal Medical Center in New York, New York, and upon receiving a Connecticut passing score on the Veterinary Medicine Clinical Competency Test (CCT).

3. That Respondent is assessed a ~~total~~ fine of \$1,000.00. This penalty to be paid to:

Treasurer, State of Connecticut  
Department of Health Services  
Public Health Hearing Office  
150 Washington Street  
Hartford, Connecticut 06106

Payment of the fine by certified check shall be made within

thirty (30) days from the date of the mailing of this decision to the Respondent, which date is noted below.

CONNECTICUT BOARD OF VETERINARY MEDICINE

6/1/88  
(Date)

Jordan R. Dann, D.V.M.  
Chairman

Date of mailing of this decision  
to the Respondent June 2, 1988.

Celia J. Bumstead  
Celia J. Bumstead  
Liaison to the  
Connecticut Board of Veterinary Medicine